

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
*Plaintiff,*

**NOTICE OF MOTION**

v.

Case No: 20-cr-00195(JLS)(JJM)

DAVID RUBEL,  
*Defendants.*

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S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order extending the time within which the defense must file motions by 4 weeks from June 5, 2021 for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York  
June 2, 2021

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.  
LIPSITZ GREEN SCIME  
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Counsel for Defendant  
DAVID RUBEL  
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TO: LAURA HIGGINS, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
138 Delaware Ave.  
Buffalo, NY 14202

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

DAVID RUBEL

Defendants.

**AFFIDAVIT**  
Case #20-cr-00195(JLS)(JJM)

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STATE OF NEW YORK                     )  
COUNTY OF ERIE                     SS:  
CITY OF BUFFALO                     )

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. By order of United States Magistrate Judge Jeremiah J. McCarthy motions are scheduled to be filed by June 5, 2021. I am respectfully requesting an additional 4 weeks within which to file motions.
3. I have spoken with Assistant United States Laura Higgins who has advised me that the government does not oppose this request.
4. The government is going to provide a proposed Plea Agreement to the defense which may eliminate the necessity for motions. However, an adjournment of 4 weeks would give the parties time to attempt to resolve this matter.
5. The parties agree that the speedy trial time should be excluded on the basis that the interest of the defendant and the community in a speedy disposition of this case is outweighed by this request.

WHEREFORE, your deponent prays that this Court rule accordingly.

DATED: June 2, 2021  
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

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HERBERT L. GREENMAN, ESQ.  
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Sworn to before me this 2<sup>nd</sup> day  
Of June, 2021

/s/Elizabeth M. Jagord-Ward

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Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires October 31, 2022